



Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

2016 asp 2

General

39 Repeal and modification of enactments

- (1) The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 is repealed.
- (2) Schedule 2 modifies other enactments.

Commencement Information

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| I1 | S. 39(1) in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(1), 5) |
| I2 | S. 39(2) in force at 1.9.2016 for specified purposes by S.S.I. 2016/196, reg. 2(g) |
| I3 | S. 39(2) in force at 15.6.2017 in so far as not already in force by S.S.I. 2017/155, reg. 2 (with reg. 5) |

40 Interpretation

In this Act, unless the context requires otherwise—

- “advocate” means a member of the Faculty of Advocates,
- “child” means a person who has not yet reached the age of 18 years,
- “inquiry” has the meaning given by section 1(5),
- “inquiry proceedings” has the meaning given by section 11(2)(a),
- “participant” is to be construed in accordance with section 11(2)(b),
- “procurator fiscal” means any procurator fiscal, assistant procurator fiscal, procurator fiscal depute or person duly authorised to execute the duties of a procurator fiscal,
- “re-opened inquiry” has the meaning given by section 33(7),
- “solicitor” means a solicitor enrolled in the roll of solicitors kept under section 7 of the Solicitors (Scotland) Act 1980.

Changes to legislation: Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: General is up to date with all changes known to be in force on or before 06 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

41 Ancillary provision

- (1) The Scottish Ministers may by regulations make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) Regulations under subsection (1)—
 - (a) may—
 - (i) make different provision for different purposes,
 - (ii) modify any enactment (including this Act),
 - (b) are subject to—
 - (i) the affirmative procedure if they add to, replace or omit any part of the text of an Act,
 - (ii) otherwise, the negative procedure.

42 Commencement

- (1) This section and sections 36(6), 40, 41 and 43 and schedule 1 come into force on the day after Royal Assent.
- (2) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
 - (a) include transitional, transitory or saving provision,
 - (b) make different provision for different purposes.

43 Short title

The short title of this Act is the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Changes to legislation:

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: General is up to date with all changes known to be in force on or before 06 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 3\(1\)](#)
- Sch. A1 inserted by [2023 c. 41 Sch. 11 para. 3\(2\)](#)